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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.  
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE  
P.O. BOX 3791  
ORLANDO, FL 32802-3791

EXAMINER

CHOW, MING

ART UNIT PAPER NUMBER

2645

DATE MAILED: 11/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

a

# Office Action Summary

Application No.

10/005,707

Applicant(s)

WAGNER ET AL.

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Objections***

1. Claim 11, 13 recite the limitation "telephone line input port". There is insufficient antecedent basis for this limitation in the claim. The claim 1 only claimed "a telephone line port".

2. Claim 1, 16, 26, 37 recite the limitation "the telephone line" (line 16-17). There is insufficient antecedent basis for this limitation in the claim. The claim 1 only claimed "a telephone line port" on line 3.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mute switch as claimed in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one

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figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 10, 16, 25, 26, 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "call handler" is not clearly defined. It is unclear the claimed "call handler" refers to a person (human being), or a software, or a hardware, or anything else. If the "call handler" refers to a human being, how can a mute switch claimed in claim 10 be used to mute a human being?

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5. Claims 2, 17, 28, 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “level” is not clearly defined. It is unclear what is referred by the claimed “level” (a priority? volume? sequence of playback?, or others?).

6. Claims 3, 4, 5, 8, 18, 19, 20, 23, 29, 30, 31, 34, 39, 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “switch” is not clearly defined. It is unclear the claimed “switch” refers to a telephone switch (switching) system, or a controller that turns on/off, or a button for selection. Further, it is unclear the claimed “switch” refers to a hardware switch or a software switch.

7. Claims 12, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “wireless telephone line headset port” is not clearly defined. It is unclear the claimed “port” is a port for the “wireless telephone headset” or the “wireless telephone line”. A wireless telephone headset only connects to the wireless telephone itself.

8. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. The term "upstream" is not clearly defined. It is unclear in what sense or in what way the 'upstream' is considered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 6, 7, 10, 15, 16, 18, 21, 22, 25-27, 29, 32, 33, 36, 37, 39, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al (US: 6396920), and in view of Elbaek (US: 4499337).

For claims 1, 15, 26, 27, 37, Cox et al teach on item 12 Fig. 1, T1 interface to customer network (reads on claimed "telephone line port").

Cox et al teach on column 5 line 17-28, operator headset.

Cox et al teach on item 14 Fig. 1, PBX (claimed "amplifier") for coupling signals between telephone line port and the telephone headset.

Cox et al failed to teach "an amplifier". However, Elbaek teaches on column 1 line 9-18, a PBX coupling a telephone line to an operator's position includes amplifiers.

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Cox et al failed to teach “a housing”. However, “Official Notice” is taken that the system as taught by Fig. 1 of Cox et al are installed under one housing by a service provider is old and well known to one skilled in the art.

Cox et al teach on column 6 line 48-55 and column 20 line 1-60, VRU plays personalized message that is pre-recorded by the operator (claimed “in a voice of the call handler”).

It would have been obvious to one skilled at the time the invention was made to modify Cox et al to have the “a housing” and “an amplifier” as taught by Elbaek such that the modified system of Cox et al would be able to support the system users for deploying the complete system under one building for ease of maintenance and an amplifier for boosting telephone signals.

Regarding claims 3, 18, 29, 39, rejections as stated in claim 1 above apply.

Cox et al teach on item 14 Fig. 1, PBX (claimed “switch”).

The VRU as stated in claim 1 above is the claimed “control logic circuitry”.

Regarding claims 6, 21, 32, 41, Cox et al teach on item 26 Fig. 1 and column 20 line 28-31, the database server maintains ANI for determining the personalized message by the VRU.

Therefore, the ports connect VRU and the database server is the claimed “external control port”.

Regarding claims 7, 22, 33, 42, Cox et al teach on item 18 Fig. 1, a telephone set with a handset.

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Regarding claims 10, 25, 36, Cox et al teach on column 3 line 30-34, a call monitoring and reporting system (claimed "mute switch") mutes the ring tone (reads on 'mutes the call handler interface').

Regarding claim 16, all rejections as stated in claim 1 above apply.

Cox et al teach on column 6 line 43-47, ACD to distribute calls to operators.

Cox et al teach on item 20 Fig. 1, call handler display.

Cox et al teach on items 20, 18 Fig. 1, call handler input device.

10. Claims 2, 17, 28, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al, and in view of Elbaek, and further in view of Toshiba (JP 05122366A).

The modified system of Cox et al in view of Elbaek as stated in claim 1 above failed to teach "a level control". However, Toshiba teaches a VRU has controller to adjust voice signal amplifier.

It would have been obvious to one skilled at the time the invention was made to modify Cox et al in view of Elbaek to have the "level control" as taught by Toshiba such that the modified system of Cox et al in view of Elbaek would be able to support the system users a tool to control the playback level.

11. Claims 4, 9, 19, 24, 30, 35, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al, and in view of Elbaek, and further in view of Glovitz et al (US: 5682421).



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For claims 4, 19, 30, 40, the modified system of Cox et al in view of Elbaek as stated in claim 3 above failed to teach "a first set of function switches". However, "Official Notice" is taken that a PBX has a set of function switches is old and well known to one skilled in the art.

The modified system of Cox et al in view of Elbaek as stated in claim 3 above failed to teach "a second set of personalized message selection switches". However, Glovitz et al teach on column 11 line 3-13, VRU retrieves predetermined messages and transmitted via disc and tape controller (claimed "switches").

It would have been obvious to one skilled at the time the invention was made to modify Cox et al in view of Elbaek to have the "a first set of function switches" and "a second set of personalized message selection switches" as taught by Glovitz et al such that the modified system of Cox et al in view of Elbaek would be able to support the system users ease of switch control and selection of personalized messages.

Regarding claims 9, 24, 35, the modified system of Cox et al in view of Elbaek as stated in claim 1 above failed to teach "a connector and a memory". However, Glovitz et al teach on column 11 line 3-5, VRU retrieves messages from a hard drive. There must be a connector connecting the memory and the VRU in order for the message to be transmitted from the memory to the VRU for playing.

It would have been obvious to one skilled at the time the invention was made to modify Cox et al in view of Elbaek to have the "a connector and a memory" as taught by Glovitz et al such that the modified system of Cox et al in view of Elbaek would be able to support the system users ease of maintaining messages by using a memory.

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12. Claims 5, 20, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al, and in view of Elbaek, and further in view of Glovitz et al, and further in view of Farrell (US: 6721416).

The modified system of Cox et al in view of Elbaek and further in view of Glovitz et al as stated in claim 4 above failed to teach "function indicators". However, Farrell teaches on column 5 line 28-31, the PBX supplies an indicator for voice signal function.

It would have been obvious to one skilled at the time the invention was made to modify Cox et al in view of Elbaek and further in view of Glovitz et al to have the function indicators as taught by Farrell such that the modified system of Cox et al in view of Elbaek and further in view of Glovitz et al would be able to support the system users ease of switch function control.

13. Claims 8, 23, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al, and in view of Elbaek, and further in view of Gligoric (US: 6751316).

The modified system of Cox et al in view of Elbaek as stated in claim 7 above failed to teach "selector switch". However, Gligoric teaches on column 1 line 18-19, an interface box for the user to select between headset or handset.

It would have been obvious to one skilled at the time the invention was made to modify Cox et al in view of Elbaek to have the selector switch as taught by Gligoric such that the modified system of Cox et al in view of Elbaek would be able to support the system users convenience of changing between a handset or a headset.

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14. Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al, and in view of Elbaek.

The modified system of Cox et al in view of Elbaek as stated in claim 1 above failed to teach "a wireless telephone line port". However, Cox et al teach on item 12 Fig. 1, T1 interface with customer network. "Official Notice" is taken that a wireless telephone call can be made from a customer network to a PBX is old and well known to one skilled in the art. Therefore, the item 12 Fig. 1 of Cox et al is the claimed "wireless telephone line port".

It would have been obvious to one skilled at the time the invention was made to modify Cox et al in view of Elbaek to have the wireless telephone line port such that the modified system of Cox et al in view of Elbaek would be able to support the system users flexibilities of using wireless or wireline equipments.

15. Claims 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al, and in view of Elbaek, and further in view of Horne (US: 6700957).

The modified system of Cox et al in view of Elbaek as stated in claim 1 above failed to teach "a telephone line connector". However, Horne teaches on column 5 line 28-30, RJ-11 connector for connecting incoming line port and the telephone exchange.

It would have been obvious to one skilled at the time the invention was made to modify Cox et al in view of Elbaek to have the telephone line connector as taught by Horne such that the modified system of Cox et al in view of Elbaek would be able to support the system users more reliable connection for the line port.

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***Conclusion***

16. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Larsen (US: 5058155) teaches multipurpose headset amplifier.

17. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

